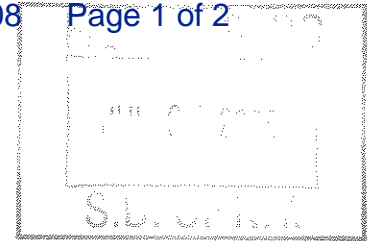


Local Criminal Notice of Appeal Form.

NOTICE OF APPEAL
United States District Court

Southern District of New York



United States of America v.

Docket No.: 07 Cr. 1095 (SAS)

Alexander Concepcion

Shira A. Scheindlin

(District Court Judge)

Notice is hereby given that United States of America appeals to the United States Court of Appeals for the SecondCircuit from the judgment [], other ☒ order suppressing evidence obtained pursuant to a 7/20/2007 authorization to intercept electronic communications (specify)entered in this action on July 1, 2008
(date)Offense occurred after November 1, 1987 Yes ☒ No ☐This appeal concerns: Conviction only ☐ Sentence only ☐ Conviction and Sentence ☐Date July 29, 2008TO Martin S. Cohen
Federal Defenders of New York, Inc. (NYC)
52 Duane Street, 10th Floor
New York, NY 10007
(212)-417-8737

AUSA William J. Harrington

(Counsel for Appellant)

Address United States Attorney's Office, SDNY
One St. Andrew's Plaza
New York, NY 10007Telephone Number: (212) 637-2331

TO BE COMPLETED BY ATTORNEY

TRANSCRIPT INFORMATION - FORM B

QUESTIONNAIRE

- ☐ I am ordering a transcript
☒ I am not ordering a transcript
 Reason
☐ Daily copy is available
☐ U.S. Attorney has placed order
☒ Other. Attach explanation (Appeal from written Opinion)

TRANSCRIPT ORDER

DESCRIPTION OF PROCEEDINGS
FOR WHICH TRANSCRIPT IS
REQUIRED (INCLUDE DATE)

Prepare transcript of _____ Dates _____
☐ Prepare proceedings _____
☐ Trial _____
☐ Sentencing _____
☐ Post-trial proceedings _____

The attorney certifies that he/she will make satisfactory arrangements with the court reporter for payment of the cost of the transcript. (FRAP 10(b)).
 Method of payment ☐ Funds ☐ CJA Form 24 ☐

ATTORNEY'S SIGNATURE William J. Harrington

DATE

7/29/08

COURT REPORTER ACKNOWLEDGMENT

To be completed by Court Reporter and forwarded to Court of Appeals.

Date order received

Estimated completion date

Estimated number
of pages

Date _____

Signature _____
(Court Reporter)

DISTRIBUTE COPIES TO THE FOLLOWING:

1. Original to U.S. District Court (Appeals Clerk).
2. Copy U.S. Attorney's Office.
3. Copy to Defendant's Attorney
4. U.S. Court of Appeals
5. Court Reporter (District Court)



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

CERTIFICATION

UNITED STATES OF AMERICA :

- v. - :

07 Cr. 1095 (SAS)

ALEXANDER CONCEPCION, :
a/k/a "Alex Concepcion," :

Defendant. :

- - - - - x

Pursuant to 18 U.S.C. § 3731, I hereby certify that the Government's appeal of the order of the District Court dated June 30, 2008, and entered on July 1, 2008 (the "July 1 Order"), granting the defendant's motion to suppress evidence obtained pursuant to a July 20, 2007 order that had authorized the interception of electronic communications, is not taken for purpose of delay, and that the evidence suppressed pursuant to the July 1 Order is a substantial proof of a fact material in the proceedings.

Dated: New York, NY
July 29, 2008

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By: William J. Harrington
William J. Harrington
Assistant United States Attorney